

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

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|---------------------------|---|--------------------------|
| UNITED STATES OF AMERICA, |) | CV. NO. 06-00629 DAE-LEK |
| |) | CR. NO. 04-00322 DAE |
| Respondent-Appellee, |) | CV. NO. 06-00632 DAE-LEK |
| |) | CR. NO. 05-00049 DAE |
| vs. |) | |
| |) | |
| ABRAHAM NGUYEN MARTIN, |) | |
| |) | |
| Petitioner-Appellant. |) | |
| |) | |

**ORDER DENYING PETITIONER'S
MOTION FOR RULING ON THE CERTIFICATE OF
APPEALABILITY APPLICATION AS MOOT**

Pursuant to Local Rule 7.2(d), the Court finds this matter suitable for disposition without a hearing. After reviewing Petitioner's motion and the supporting and opposing memoranda, the Court DENIES Petitioner's Motion for Ruling on the Certificate of Appealability Application as moot.

BACKGROUND

On November 24, 2006, Petitioner, Pro Se, filed a Motion pursuant to 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence based on claims of excessive sentence, ineffective assistance of counsel, unconstitutional search and seizure, failure to disclose favorable evidence, and defendant's assistance to the government, denial of a speedy trial, and no bargaining time given with respect to

the Plea Agreement (“§ 2255 Motion”). On July 16, 2007, this Court denied Petitioner’s § 2255 Motion.

On August 28, 2007, Petitioner, Pro Se, filed a Notice of Appeal from the order denying his § 2255 Motion, which this Court construed as a Request for a Certificate of Appealability (“COA”). This Court denied Petitioner’s COA without prejudice based on a lack of supporting argument. This Court gave Petitioner an opportunity to re-file a COA, requesting Petitioner to specify the issues that he seeks to appeal, and the arguments that he wished to make in support of his appeal.

On September 20, 2007, Petitioner, Pro Se, filed a Motion for COA. On September 24, 2007, Petitioner filed a Supplement to Motion for COA. On December 10, 2007, Petitioner, Pro Se, filed the instant Motion for Ruling on the COA Application. On December 11, 2007, this Court denied Petitioner’s Request for COA.

DISCUSSION

Petitioner filed his Motion for Ruling on his COA Application on December 10, 2007, in which Petitioner moves this Court to make a ruling on his COA. On December 11, 2007, this Court denied Petitioner’s Request for COA. Petitioner’s instant motion requesting a ruling is therefore moot. Accordingly, this Court DENIES Petitioner’s instant motion.

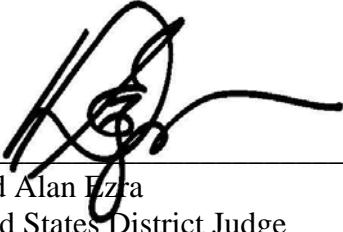
CONCLUSION

For the reasons stated above, the Court DENIES Petitioner's Motion for Ruling on the Certificate of Appealability Application as moot.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, December 13, 2007.





David Alan Ezra
United States District Judge

United States vs. Martin, Civil No. 06-00629 DAE LEK; Criminal No. 04-00322 DAE; Civil No. 06-00632 DAE LEK; Criminal No. 05-00049 DAE; ORDER DENYING PETITIONER'S MOTION FOR RULING ON THE CERTIFICATE OF APPEALABILITY APPLICATION AS MOOT